

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

EMPRESS CASINO JOLIET	)	
CORPORATION, an Illinois	)	
corporation, DES PLAINES	)	
DEVELOPMENT LIMITED	)	Case No.: 09-CV-3585
PARTNERSHIP, an Illinois limited	)	
partnership, d/b/a Harrah's Casino Cruises	)	<b>JURY TRIAL DEMAND</b>
Joliet, HOLLYWOOD CASINO-AURORA,	)	
INC., an Illinois corporation, and ELGIN	)	Judge Kennelly
RIVERBOAT RESORT-RIVERBOAT	)	Magistrate Judge Cox
CASINO, an Illinois general partnership	)	
d/b/a GRAND VICTORIA CASINO,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ROD BLAGOJEVICH, FRIENDS OF	)	
BLAGOJEVICH, JOHN JOHNSTON,	)	
BALMORAL RACING CLUB, INC.,	)	
MAYWOOD PARK TROTTING	)	
ASSOCIATION, INC., ARLINGTON	)	
PARK RACECOURSE, LLC,	)	
FAIRMOUNT PARK, INC.,	)	
HAWTHORNE RACE COURSE, INC.,	)	
	)	
Defendants.	)	

**DOCKETING STATEMENT**

Plaintiffs-Appellants Empress Casino Joliet Corporation, an Illinois corporation, Des Plaines Development Limited Partnership, an Illinois limited partnership, d/b/a Harrah's Casino Cruises Joliet, Hollywood Casino-Aurora, Inc., an Illinois corporation, and Elgin Riverboat Resort-Riverboat Casino, an Illinois general partnership d/b/a Grand Victoria Casino ("Plaintiffs-Appellants"), hereby state the following as their docketing statement pursuant to Seventh Circuit Rule of Appellate Procedure 3(c)(1):

**1. District Court Jurisdiction**

The District Court had jurisdiction in this case pursuant to 28 U.S.C. § 1331 because the case raises a federal question. Specifically, the Complaint alleges that Defendants Friends of Blagojevich, John Johnston, Balmoral Racing Club, Inc., and Maywood Park Trotting Association, Inc. violated the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1962(c), (d) (“RICO”), including by entering into a conspiracy to violate RICO with former Illinois Governor Rod Blagojevich.

**2. Appellate Court Jurisdiction**

On August 7, 2013, the District Court entered a Memorandum Opinion and Order granting Defendants’ motion for summary judgment. Although the District Court found that “Plaintiffs have offered evidence from which a reasonable jury could find that there was an enterprise and a pattern of racketeering activity,” (Dkt. 250 at 11), including “direct evidence of a *quid pro quo*, (*id.* at 12), and despite concluding that “there is certainly evidence that Blagojevich and others associated with him were spurred by the alleged bribe to persuade legislators to adopt the legislation, (*id.* at 15), the District Court nonetheless granted Defendants’ motion based on its conclusion that “[n]o reasonable jury could find the requisite proximate cause,” (*id.*). The District Court entered judgment that same day as its Memorandum Opinion and Order, on August 7, 2013. (Dkt. 251.)

On August 15, 2013, Plaintiffs’ filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e).

On August 19, 2013, the District Court denied Plaintiffs’ Rule 59(e) motion. (Dkt. 253.)

No parties or claims remain before the District Court.

On September 6, 2013, Plaintiffs filed their Notice of Appeal. This Court has jurisdiction to review the District Court's final judgment pursuant to 28 U.S.C. §§ 1291 & 1294(1).

**3. Prior Appellate Proceedings**

There were prior appellate proceedings in this case, under the same caption, in cases Nos. 09-3975 & 10-1019.

Dated: September 6, 2013

Respectfully submitted,

EMPRESS CASINO JOLIET  
CORPORATION, DES PLAINES  
DEVELOPMENT LIMITED PARTNERSHIP,  
HOLLYWOOD CASINO-AURORA, INC.  
and ELGIN RIVERBOAT RESORT-  
RIVERBOAT CASINO

By: /s/ Robert M. Andalman  
One of Their Attorneys

Robert M. Andalman, Counsel of Record  
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Corp., Des Plaines Development Limited  
Partnership, Hollywood Casino-Aurora, Inc.  
and Elgin Riverboat Resort-Riverboat Casino*

**CERTIFICATE OF SERVICE**

Robert M. Andalman, an attorney, hereby certifies that, on this 6th day of September, 2013, I caused to be electronically filed the foregoing **Docketing Statement** which will be served electronically on all registered parties of record.

/s/ Robert M. Andalman